

PATENT  
App. Ser. No.: 10/025,390  
Atty. Dkt. No. ROC920010275US1  
PS Ref. No.: IBMK10275.Y1

### REMARKS

This is intended as a full and complete response to the Office Action dated July 7, 2005, having a shortened statutory period for response set to expire on October 7, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-26 are pending in the application. Claims 2-10, 12-16 and 18-26 remain pending following entry of this response. Claims 2, 3, 6-10, 12, 13, 15, 16 and 18-26 have been amended. Claims 1, 11 and 17 have been cancelled without prejudice. Applicants submit that the amendments and new claims do not introduce new matter.

#### Claim Rejections - 35 U.S.C. § 101

Claims 17-26 are rejected under 35 U.S.C. § 101. the Examiner states that claims 17-26 are not limited to tangible embodiments and is therefore non-statutory. Claim 17 has been canceled and claims 18-26 have been amended to clearly recited "tangible signal bearing medium". Therefore, the rejection is believed to be no longer valid. Withdrawal of the rejection is respectfully requested.

#### Allowable Subject Matter

Claims 2, 12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2, 12 and 18 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. The remaining claims depend respectively from claims 2, 12 and 18. Therefore, all remaining pending claims are believed to be allowable, and allowance of the claims is respectfully requested.

#### Claim Rejections - 35 U.S.C. § 102

Claims 1, 3-11, 13-17 and 19-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Fisher et al.* (US Pat. No. 6,085,191, hereinafter "*Fisher*"). In view of the

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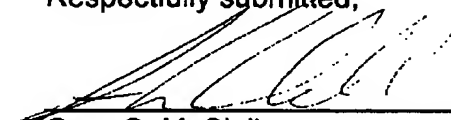
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allowable subject matter indicated by the Examiner, claims 1, 11 and 17 have been canceled without prejudice and the remaining claims have been amended to depend respectively from claims 2, 12 and 18 which have been rewritten in independent form. Therefore, all remaining pending claims are believed to be allowable, and allowance of the claims is respectfully requested. Applicant reserves the right to traverse these rejections on the merits in any continuation applications.

**Conclusion**

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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